

REMARKS

In the Final Office Action, the Examiner rejected all of the pending claims 2-4, 9-18, 21, 22, 24, 26-31, and 34-37 under 35 U.S.C. § 103(a) as allegedly unpatentable over ELSEY et al. (U.S. Patent Application Publication No. 2004/0184593) in view of THORPE et al. (U.S. Patent Application Publication No. 2006/0093120), EITEL (U.S. Patent Application Publication No. 2003/0217097), and CELIK (U.S. Patent Application Publication No. 2007/0021111). Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 103(a). Claims 2-4, 9-18, 21, 22, 24, 26-31, and 34-37 are pending.

*REJECTION UNDER 35 U.S.C. § 103(a)
BASED ON ELSEY et al., THORPE et al., EITEL, AND CELIK*

On pages 2-10 of the Final Office Action, the Examiner rejected claims 2-4, 9-18, 21, 22, 24, 26-31, and 34-37 under 35 U.S.C. § 103(a) as allegedly unpatentable over ELSEY et al., THORPE et al., EITEL, and CELIK. Applicants respectfully traverse the rejection.

As an initial observation, Applicants respectfully note that the portions of CELIK, upon which the Examiner relies in the Final Office Action, are not citable against the present application. In particular, CELIK claims priority to multiple applications and the sections of CELIK relied upon by the Examiner in the Final Office Action have priority dates that are well after the effective and actual filing dates for the present application. For example, in the discussion of claim 10 at pages 4 and 5 of the Final Office Action, the Examiner cites to CELIK at FIGS. 1 and 2 and at paragraphs 0006, 0010, 0012, 0064, and 0067 and these portions of CELIK are first disclosed in U.S. Provisional Patent Application No. 60/662,462, which was filed on March 15, 2005. Accordingly, these portions of CELIK are not citable against the present application under 35 U.S.C. §§102/103 and the pending rejection is, *per se*, improper

because the Examiner has not provided a prima facie rejection under 35 U.S.C. § 103(a).

Therefore, Applicants respectfully submit that the rejection of claims 2-4, 9-18, 21, 22, 24, 26-31, and 34-37 under 35 U.S.C. § 103(a) based on ELSEY et al., THORPE et al., EITEL, and CELIK be reconsidered and withdrawn.

Furthermore, Applicants respectfully note that EITEL is also not citable against the present application under 35 U.S.C. §§102/103. In particular, EITEL was filed on March 21, 2002, well after the effective filing dates for the present application based on perfected priority claims to multiple applications filed prior to March 21, 2002. For this additional reason, the present rejections are again, *per se*, improper because the Examiner has not provided a prima facie rejection under 35 U.S.C. § 103(a). Therefore, Applicants respectfully submit that the rejection of claims 2-4, 9-18, 21, 22, 24, 26-31, and 34-37 under 35 U.S.C. § 103(a) based on ELSEY et al., THORPE et al., EITEL, and CELIK be reconsidered and withdrawn.

Furthermore, ELSEY et al., THORPE et al., EITEL, and CELIK do not disclose or suggest one or more of the features recited in each of the pending claims.

For example, independent claim 10 is directed to a method for obtaining contact information. The method includes receiving, by a service center, a request initiated by a user for contact information associated with a telephone number; querying, by the service center and in response to the request, a directory for the contact information; querying, by the service center and in response to the request, an Internet search engine for the contact information; receiving, via the service center, the contact information from the directory and the Internet search engine; and automatically storing, via the service center, the contact information in a contact list associated with the user in response to receiving the contact information at the service center.

ELSEY et al., THORPE et al., EITEL, and CELIK, whether taken alone or in any reasonable combination, do not disclose or suggest one of more of these features.

For example, ELSEY et al., THORPE et al., EITEL, and CELIK do not disclose or suggest querying, by the service center and in response to the request, an Internet search engine for the contact information. The Examiner admitted that ELSEY et al. and THORPE et al. do not disclose or suggest querying, by the service center and in response to the request, an Internet search engine for the contact information (Final Office Action, page 4). However, the Examiner relied on Fig. 1 (search engine 23), and paragraphs [0055], [0056], [0058], [0066], and [0069] of EITEL as allegedly disclosing this feature of claim 10 (Final Office Action, pages 4 and 10). Applicants respectfully disagree with the Examiner's interpretation of EITEL.

Fig. 1 of EITEL illustrates an Internet searching system that uses a search agent and includes a search engine 23. Search engine 23 may allow a website agent to provide a profile of databases that includes one or more itineraries (paragraph [0059]). Search engine 23 is not an Internet search engine since search engine 23 is used to query an internal database. Furthermore, the search engine 23, as described above, is used to profile itineraries and is not used, in any way, for querying contact information. Therefore, this section of EITEL does not disclose or suggest querying, by a service center and in response to a request, an Internet search engine for the contact information, as recited in claim 10.

Paragraphs [0055] and [0056] of EITEL state:

Where the searcher selects the audio connection 232, the CPU (e.g., 18) activates the VOIP application 21. Activation of the VOIP application 21 establishes an audio connection between a telephone 15 of the website agent and a telephone 11 of the searcher.

The VOIP application 21 of the CPU 18 may be used to exchange audio information between a telephone 15 of the website agent and the searcher through the internet connection with the searcher. Similarly, the VOIP application 13 of the searcher CPU 12

allows audio information to be exchanged between a telephone 11 of the searcher and agent of the website 20 through the internet connection.

In this section, EITEL discloses activating a VOIP application that establishes an audio connection between a telephone of a website agent and a telephone of a searcher. The VOIP application enables the website agent to exchange audio information with the searcher. Nowhere in this section, or elsewhere, does EITEL disclose or suggest querying, by a service center and in response to a request, an Internet search engine for the contact information, as recited in claim 10. In fact, this section of EITEL makes no mention of querying a search engine, let alone querying an Internet search engine for contact information. Search engine 23 is not an Internet search engine since search engine 23 is used to query an internal database. Furthermore, the search engine 23, as described above, is used to profile itineraries and is not used, in any way, for querying contact information.

Paragraph [0058] of EITEL states:

With a copy of the search results and search agent 30 displayed before both the searcher and website agent, the searcher and website agent may discuss the results of the search. The website agent may provide suggestions to the searcher as to how to modify the search agent 30 to improve performance. Upon viewing the search results, the website agent may also explain the search results to the searcher. Further, the agent 15 can also be used to guide domain searches.

In this section, EITEL discloses that the website agent and the searcher may discuss search results, and the website agent may provide suggestions to the searcher as to how to improve the search results. Nowhere in this section, or elsewhere, does EITEL disclose or suggest querying, by a service center and in response to a request, an Internet search engine for the contact information, as recited in claim 10. Rather, this section of EITEL discloses how a website agent may communicate with a searcher (e.g., via the VOIP application) to discuss search results. Search engine 23 is not an Internet search engine since search engine 23 is used to query an

internal database. Furthermore, the search engine 23, as described above, is used to profile itineraries and is not used, in any way, for querying contact information.

Paragraph [0066] of EITEL states:

The search engine 23 may also track the itineraries which result in sales and use those itineraries as proposed itineraries for future search requests. Further, subsequent searches may use the itineraries for fast searches of domain specific issues. The FAQs and itineraries may also be used to guide processing of domain specific handling of calls, knowledge, etc.

In this section, EITEL discloses that the search engine 23 may track the itineraries which result in sales and use those itineraries as proposed itineraries for future search requests. Again, Applicants submit that search engine 23 is not an Internet search engine and is not used for querying contact information. Therefore, this section of EITEL also does not disclose or suggest querying, by a service center and in response to a request, an Internet search engine for the contact information, as recited in claim 10. Search engine 23 is not an Internet search engine since search engine 23 is used to query an internal database. Furthermore, the search engine 23, as described above, is used to profile itineraries and is not used, in any way, for querying contact information.

Paragraph [0069] of EITEL states:

Under another embodiment of the invention, the agent 30 may contain provisions for cloning itself where the search results point to another website. This feature may be useful where the searched website 20 is a search engine 23. In this situation, the search engine 23 functions as a path to domain specific searches, thereby functioning to improve the effectiveness of the query.

In this section, EITEL discloses that the search engine 23, when corresponding to a searched website, functions as a path to domain specific searches. Again, Applicants submit that search engine 23 is not an Internet search engine and is not used for querying contact information. Search engine 23 is not an Internet search engine since search engine 23 is used to query an internal database. Furthermore, the search engine 23, as described above, is used to profile itineraries and is not used, in any way, for querying contact information. Therefore, this section

of EITEL also does not disclose or suggest querying, by a service center and in response to a request, an Internet search engine for the contact information, as recited in claim 10.

CELIK merely discloses systems and methods for automatically sending, inserting, exchanging, and updating a caller's contact information in a user's phonebook. However, the disclosure of CELIK does not cure the deficiencies in the disclosures of ELSEY et al., THORPE et al., and EITEL identified above with regard to claim 10.

Because ELSEY et al., THORPE et al., EITEL, and CELIK do not disclose or suggest querying, by the service center and in response to the request, an Internet search engine for the contact information, the references cannot possibly disclose or suggest receiving, via the service center, the contact information from the directory and the Internet search engine, as further recited in claim 10.

The Examiner admitted that ELSEY et al. fails to disclose "receiving, via the service center, the contact information from the directory and the Internet search engine." (Final Office Action, page 3). However, the Examiner relied on FIGS. 1 and 5 and on paragraphs [0025], [0026], [0030], and [0035] of THORPE et al. as allegedly disclosing this feature (Final Office Action, pages 3, 4, and 10). Applicants respectfully disagree.

THORPE et al. at FIG. 1 illustrates a directory assistance database 20 that may be searched based on a query from a directory assistance system (DAS) 14 to obtain a listing response. Nowhere in this section, or elsewhere, does THORPE et al. disclose or suggest receiving, via the service center, the contact information from the directory and the Internet search engine, as recited in claim 10. In fact, the reference makes no mention of receiving contact information from an Internet search engine.

THORPE et al. at FIG. 5 illustrates that a directory assistance (DA) database 20 includes a network interface 50, a search engine 46, and a master listing repository 48. As described, for example, at THORPE et al. at paragraph [0035], the search engine is to search master listing repository 48 and not this Internet. Thus, nowhere in this section, or elsewhere, does THORPE et al. disclose or suggest receiving, via the service center, the contact information from the directory and the Internet search engine, as recited in claim 10. In fact, the reference makes no mention of receiving contact information from an Internet search engine.

Paragraphs [0025] and [0026] of THORPE et al. state:

FIG. 1 shows a network capable of providing the enhanced automated directory assistance of the present invention. The public switched telephone network (PSTN) 10 makes up the core of the network and provides callers associated with telephones 12 access to a directory assistance system (DAS) 14. Although described in conjunction with PSTN 10, the invention is equally applicable to wireless or internet telephony directory assistance. Callers are connected to the DAS 14 via the Total Operator Position Switch (TOPS) 16. The TOPS 16 is typically dedicated to directory assistance and may route connections for directory assistance calls from the telephones 12 to the DAS 14, to operator terminals 18, or to the announcement system 22 as necessary.

In general, the DAS 14 initially processes the directory assistance call and either routes or processes the call as necessary to provide a number corresponding to a requested listing and locality. Calls that cannot be automated are routed to the next available operator at an operator terminal 18, while the DAS 14 processes calls that can be automated. Regardless of whether the DAS 14 or an operator is responsible for directory assistance, a query for a listing and locality is ultimately determined by the DAS 14 or operator based on the caller's request and sent to a directory assistance database (DAD) 20. The directory assistance database searches listings based on the query and responds with a number or list of numbers for the requested listing. If there is a list of numbers, either the operator (un-automated) or DAS 14 (automated) will analyze the list and select a number to provide to the caller. Once the number is determined, the directory assistance database 20 is instructed to send the number to an announcement system 22. Concurrently, the TOPS 16 is instructed to connect the caller to the announcement system 22, which will audibly announce the selected number to the caller.

In this section, THORPE et al. discloses a directory assistance database that may be searched based on a query to obtain a number or numbers for a requested listing. Nowhere in this section, or elsewhere, does THORPE et al. disclose or suggest receiving, via the service center, the contact information from the directory and the Internet search engine, as recited in claim 10. In

fact, the reference makes no mention of receiving contact information from an Internet search engine.

Paragraph [0030] of THORPE et al. states:

If the speech recognition system 24 fails to find matches for either of the listing or the locality (block 110), the recorded listing and locality responses are forwarded to the next available operator at one of the operator terminals 18 (block 112). Typically, the operator will listen to the recorded responses, generate a query for the database, and send the query to the directory assistance database 20 to carry out the search. When the search results are received, the operator selects the proper number and initiates a signal to the directory assistance database 20 and directory assistance announcement system 22 to transfer and announce the selected number to the user in traditional fashion (block 120).

In this section, THORPE et al. discloses that an operator may send a query to a directory assistance database, and may select a number from results of the query. Nowhere in this section, or elsewhere, does THORPE et al. disclose or suggest receiving, via the service center, the contact information from the directory and the Internet search engine, as recited in claim 10.

Paragraph [0035] of THORPE et al. states:

With reference to FIG. 5, the directory assistance database 20 is of standard configuration and includes the necessary software and hardware to form a search engine 46 for searching a master-listing repository 48 containing the directory listings. Again, the directory assistance database 20 is not dedicated to the inventive automation process. In contrast, the invention strives to search existing directory assistance databases currently in use. The directory assistance database 20 will include a network interface 50 for communicating with the DAS 14 over a packet-switched network.

In this section, THORPE et al. discloses that the directory assistance database includes a search engine for searching a repository containing directory listings. Nowhere in this section, or elsewhere, does THORPE et al. disclose or suggest receiving, via the service center, the contact information from the directory and the Internet search engine, as recited in claim 10.

Neither EITEL nor CELIK discloses or suggests receiving, via the service center, the contact information from the directory and the Internet search engine, as recited in claim 10.

Thus, the disclosures of EITEL and CELIK do not cure the deficiencies in the disclosures of ELSEY et al. and THORPE et al. identified above with regard to claim 10.

Furthermore, Applicants note that Applicant's previous Amendment included remarks traversing the same allegations. Applicants believe that the Examiner, other than citing to additional sections of EITEL and THORPE et al. that provide substantially identical disclosures, has not considered and substantively responded to Applicants' remarks with respect to this allegation, as is required of the Examiner. *See* M.P.E.P., § 707.07(f). Therefore, Applicants respectfully request that the Examiner fully consider and respond to the above remarks regarding claim 10.

For at least the foregoing reasons, Applicants submit that claim 10 is patentable over ELSEY et al., THORPE et al., EITEL, and CELIK, whether taken alone or in any reasonable combination. Claims 11-14 depend from claim 10. Therefore, claims 11-14 are patentable over ELSEY et al., THORPE et al., EITEL, and CELIK, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 10.

Independent claim 15 recites features similar to, yet possibly of different scope from, features recited above with respect to claim 10. Therefore, claim 15 is patentable over ELSEY et al., THORPE et al., EITEL, and CELIK, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 10. Claims 2-4, 9, 16-18, and 34-37 depend from claim 15. Therefore, claims 2-4, 9, 16-18, and 34-37 are patentable over ELSEY et al., THORPE et al., EITEL, and CELIK, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 15.

Independent claim 21 recites features similar to, yet possibly of different scope from, features recited above with respect to claim 10. Therefore, claim 21 is patentable over ELSEY et

al., THORPE et al., EITEL, and CELIK, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 10. Claims 22, 24, and 26-31 depend from claim 21. Therefore, claims 22, 24, and 26-31 are patentable over ELSEY et al., THORPE et al., EITEL, and CELIK, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 21.

For at least the foregoing reasons, Applicants respectfully request the reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claims 2-4, 9-18, 21, 22, 24, 26-31, and 34-37 as allegedly unpatentable over ELSEY et al., THORPE et al., EITEL, and CELIK.

CONCLUSION

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone to expedite prosecution of this application.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Final Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: /John E. Harrity, Reg. No. 43367/
John E. Harrity
Reg. No. 43,367

Date: July 10, 2009

11350 Random Hills Road
Suite 600
Fairfax, VA 22030
Telephone: (571) 432-0800
Facsimile: (571) 432-0808

Customer No.: 25537